

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

December 2, 2003

GSBCA 16241-RELO

In the Matter of ROBERT B. SYMONDS

Robert B. Symonds, Al Ain, United Arab Emirates, Claimant.

Jacqueline Lynch, Acting Chief, Travel Management Section, United States Geological Survey, Department of the Interior, Reston, VA, appearing for Department of the Interior.

GOODMAN, Board Judge.

Claimant, Robert B. Symonds, is an employee of the United States Geological Survey (USGS). He has requested that this Board review the agency's denial of his request to place his household goods (HHG) in nontemporary storage at Government expense during his assignment to a post of duty outside the continental United States (OCONUS).

Factual Background

In January 2001, claimant accomplished a permanent change of station (PCS) from Woodland, Washington, to Abu Dhabi, United Arab Emirates (UAE). Claimant's travel orders authorized claimant a combined shipment and storage allowance of 18,000 pounds. His orders stated that claimant was "authorized storage in the U.S. for whatever portion of the 18,000 pounds not shipped overseas."

Claimant did not ship any HHG to his new duty station. On March 19, 2003, claimant requested that his agency allow him to move his belongings into storage in the United States at Government expense due to the pending sale of his home. The agency, relying on its interpretation of Federal Travel Regulation (FTR) section 302-1.6, 41 CFR 302-1.6 (2000), in effect on the date of his transfer, determined that claimant would not be reimbursed for moving and storage costs.

Claimant did not attempt to store his belongings before March 2003 because he could not sell his home, which had been on the market since November 2000. He did not receive an offer on the home until March 2003, at which time he requested that he be allowed to move his household goods into storage in the United States.

Claimant states:

It is much more difficult to sell a home without furnishings so I elected to leave my belongings in the home until it sold. This also saved the government the cost of storing my belongings over the past two years and three months. If the home would have sold earlier, I certainly would have requested to move my belongings into storage at an earlier date.

The agency's position is as follows:

[Claimant] relocated to the United Arab Emirates on January 8, 2001. He did not request an extension under the provisions of [FTR] 302-2.11, but notified his office on April 3, 2003 that he would like to move his Household Goods into storage. . . . The FTR provisions were very clear that the maximum time for beginning allowable travel and transportation costs would not exceed 2 years and an extension could be granted only for completion of residence transactions under 302-6.1(e), not for shipment of Household Goods and Storage.

His administrative staff was informed that we lacked the authority to initiate the requested Government Bill of Lading because the two years allowable for completion of his transfer had expired. . . . We have not authorized storage of his household goods or payment of the associated expenses.

Discussion

The FTR provision on which the agency relies provides as follows:

Time limits for beginning travel and transportation.

All travel, including that for the immediate family, and transportation, including that for household goods allowed under this chapter, shall be accomplished as soon as possible. The maximum time for beginning allowable travel and transportation shall not exceed 2 years from the effective date of the employee's transfer or appointment, except that:

- (a) The 2-year period is exclusive of the time spent on furlough for an employee who begins active military service before the expiration of such period and who is furloughed for the duration of his/her assignment to the post of duty for which transportation and travel expenses are allowed;
- (b) The 2-year period does not include any time during which travel and transportation is not feasible due to shipping restrictions for an employee who is transferred or appointed to or from a post of duty outside the continental United States; and
- (c) The 2-year period shall be extended for an additional period of time not to exceed 1 year when the 2-year time limitation for completion of residence transactions is extended under § 302-6.1(e).

41 CFR 302-1.6.

The agency states that claimant did not apply for the extension referenced in subparagraph (c) of the above regulation and therefore claimant's request for reimbursement is untimely.

The agency has misinterpreted the applicable regulations. The provision relied upon by the agency sets forth time limitations for initiating transportation of HHG directly to the new duty station or transportation together with temporary storage (at the origin or destination prior to arrival at the employee's residence at the new duty station) accomplished pursuant to FTR part 302-8, Transportation and Temporary Storage of Household Goods and Professional Books, Papers, and Equipment.

Claimant did not request costs for transportation and temporary storage of his HHG pursuant to this section. Rather, claimant requested storage of his HHG in the United States during his tour of duty OCONUS. He is therefore seeking reimbursement pursuant to FTR part 302-9, Allowances for Nontemporary Storage of Household Goods. Nontemporary storage of HHG is defined as "[s]torage of household goods while an employee is assigned to or is at an official duty station or post of duty to which he/she will not or cannot transport such household goods." 41 CFR 302-1.4(h).

Nontemporary storage of HHG for employees during assignment OCONUS is governed by 41 CFR 302-9.2. This provision contains a limitation period on the length of time an employee assigned to a duty post OCONUS may be authorized nontemporary storage

of HHG (not to exceed the length of the employee's tour of duty plus one month prior to the time the tour begins) but does not require that temporary storage be initiated during a specific time frame. As we have noted previously, the FTR imposes no minimum time after change in duty station within which an employee must place HHG in nontemporary storage. Alex L. Rowe, GSBCA 14479-RELO, 98-2 BCA ¶ 29,919. Accordingly, claimant's request for reimbursement is timely.

As claimant's travel orders authorized reimbursement of nontemporary storage, he is entitled to reimbursement of these costs as authorized by regulation, not to exceed the 18,000 pound limitation set forth in the travel orders.

Decision

The claim is granted.

ALLAN H. GOODMAN
Board Judge